

## Practices and reforms in the legislation of polygamy in Pakistan

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Received: February 12, 2022

Accepted: May 12, 2022

Published: June 8, 2022

### Abstract

In Pakistan, polygamy is a serious problem that requires legislation to address. Pakistani law imposes confinement through the Muslim Family Law Ordinance (MFLO) of 1961, which states that no man can marry for the second time without the first wife's consent, but polygamy is not prohibited in the meanwhile. In Pakistan, these rights are routinely violated. The purpose of this research is to look into Pakistan's polygamy difficulties. According to Islamic law, marriage is a civil contract between two people, a man and a woman. It generates all rights and obligations straight now. Nikah is more than simply a contract; it's a way to formalise a man and woman's relationship and recognise it as authentic. In order to prevent breaches of women's and children's rights, the study has identified deficiencies in relevant legislation and recommended amendments to the MFLO of 1961. The findings show that the practice of polygamy has negatively affected the rights, equity, and legal security of women in Pakistan.

**Keywords:** Muslim family law, polygamy, legislation for polygamy, family law, polygamy reforms.

### How to Cite:

Qayum, S., Ullah, F., Ali, S. & Farhad, A. (2022). Practices and reforms in the legislation of polygamy in Pakistan. *Journal of Humanities, Social and Management Sciences (JHSMS)*, 3(1), 300-311. <https://doi.org/10.47264/idea.jhsms/3.1.21>

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## 1. Introduction

Polygamy is described as a marriage between a husband and two or more wives. According to Islamic law, marriage is a civil contract between a man and a woman. It creates all rights and liabilities at the same time. Nikah is more than just a contract; it's a way to recognise and codify a man and woman's relationship as genuine. The parties are obligated to respect it and live within the limits of the Quran and Sunnah after agreeing to it. Matrimonial rights, right of maintenance, right of dower, and legacy advantages are essential privileges for married women, all of which must be provided by a man. Because he constantly offers consideration regarding stand-out, which is the top option, the polygamous spouse does not sufficiently satisfy the wives' marital rights. (Miller, 2004). Other women's wives are overlooked. In addition, the freedom of maintenance is abused in such a manner that the husband refuses to meet financial commitments. Even though it is the most essential right, men typically renounce the freedom of dower. When a polygamous family's spouse dies, the family's assets must be divided among the several opposing "gatherings" and wives within the gang. It also runs the risk of preventing additional wives from asserting their conjugal and inheritance rights (Ali *et al.*, 2011).

In Pakistan, these rights are routinely violated. Although Pakistani law requires confinement under the Muslim Family Law of 1961, which states that no man can marry a second wife without the first wife's consent, polygamy is not prohibited. Fundamental or basic rights are guaranteed by Articles 8 to 28 of Pakistan's Constitution. Polygamy, regrettably, has harmed women's rights to poise, equity, and legal security in Pakistan. Any lawful law does not protect these rights. It also contributes to women's low social and financial position by requiring them to give significant assets to their partners' various wives and children. The Muslim Family Law of 1961 requires modifications (Altman, 1996).

Another challenging issue associated with polygamy is the children's privileges. Children from polygamous families are frequently involved in criminal activities. Just as a result of polygamy, the first wife has two possibilities. If she can support herself and her children through private wealth or purchasing power, she can divorce her husband and move out. In any event, this is tough because she has most certainly been out of work for a long time and needs training. Faced with the prospect of becoming an impoverished family, she must accept the terrible circumstances imposed on her by the arrival of the new youthful second wife. She'll certainly vent her rage on her own children, who will need to be cautious in their interactions with the younger woman. Around the house, a foreboding atmosphere is created. Children who grow up in this hellfire will have mental health problems and will be unable to see their true potential (Al-Krenawi, 2001).

In Pakistan, polygamy is a serious issue that requires legislative intervention. In 1947, British India passed legislation dealing with Muslim family law, which was put into effect for several years. After Partition, Pakistan had no systematised law regarding polygamy. Men might marry for the second, third, or fourth time without any legal repercussions. In the absence of legislation, serious violations of women's rights continued to occur. The Muslim Family Law relating to nikah, and separation was kept unchanged by the British. As a result, the legal team was left to deal with the challenges that arose. Separate was authorized in a disrupted style that reflected the male-commanded Muslim society, and proof of nikah was established through dubious sources (Al-Krenawi & Lightman, 2000). Various challenges arose due to the built-up law's incomprehensibility, which will be discussed in the following sections. This research

aims to look into the concerns of polygamy in Pakistan. The study also tries to offer a remedy to prevent violations of women's and children's rights by advocating changes to the Muslim Family Law Ordinance (MFLO) of 1961 (Al-Bukhaari *et al.*, 1956).

## **2. The history of Polygamy before Islam**

Since time immemorial, polygamy has been practised in the ancient Near East, Far East, Mediterranean countries, Europe, and the United Kingdom. Polygamous males engaged in activities such as sanctuary prostitution and war wealth in addition to legitimate marriage. Also, according to records kept by wayfarers and instructors during the Christian era, polygamy was widely practiced among native tribes in Africa and the Americas.

Some ancient social orders protected the first wife from the second. The Babylonian Code of Hammurabi provided that, absent exceptional conditions such as futility, affliction, or the former wife's bad behaviour, the current wife must first consent to the second union (Scheidel, 2006). "Special ladies we keep for the purpose of joy, courtesans for the day-by-day consideration of our personalities, nevertheless wives to hold up beneath us honest to goodness youngsters and to be dedicated watchmen of our family units," says Pseudo-Demosthenes (Fourth Century BC) (Speeches: Against Neaera, 59:122). A mistress in non-Jewish societies was a slave lady who lived with a man (sometimes married) to provide traditional sexual interactions. These unions' offspring were not thought to be true. The four phases of pre-Islamic polygamy are listed below:

### **2.1. Biblical record**

Abimelech (Gen 20:17-18), Benhadad (1 Kgs 20:3-4), Ahasuerus (Esth 1:9), and Belshazzar (Esth 1:9) are among the forty males named in the Bible who had different wives (Dan 5:2). In any case, a significant number of the men had more than two spouses. Lamech (two wives, Gen 4:19) had the earliest plural marriage, six eras after Adam. Despite the fact that Lamech was the most well-known polygamist prior to the international upsurge, there is no reason to believe he was isolated from everyone else in his situation. Terah (Gen 11:26; 20:12), Nahor (Gen 22:20-24), and Abraham (Gen 22:20-24) were among the post-surge patriarchs who followed the poly marriage norm (Gen 16:1-3; 25:1-6). Isaac was a monogamous man, but his two famous children were polygamous. Jacob had four wives and Esau had five (Gen 26:34; 28:9; 36:2-3). (Gen 29:23-28; 30:4, 9). Esau's son Eliphaz married twice (Gen 36:11-12).

### **2.2. Jewish Polygamy**

Polygamy was not only common among Israel's general population before the First Century, but it was also practiced during the biblical era and the age of the congregation fathers. The "antiquated tendency among us to have multiple spouses in the interval" continued in his day, according to Josephus, a first-century Jewish history professor (Antiquities of the Jews XVII, 1:2). King Herod the Great of the Nativity narrative had 10 wives, despite the fact that it is not mentioned in the Bible (Ant. XVII,1:3). In his time, Jewish men were permitted to have four or five spouses (Dialog with Trypho the Jew, 134), according to the congregation father Justin Martyr (110-165). His statement echoes the mood of the Jewish Mishnah, which was composed around 220 AD (From as early as AD 70, the Mishnah depicts Jewish customs and open dialogues among Jewish pioneers). Rabbinic experts approved the duration of plural marriage

and imposed rules for how several women and their children should be treated in household problems.

### **2.3. Catholic Polygamy**

Basilides and Carpocrates, early second-century religious instructors in Alexandria, Egypt, may have been the first known Christian pioneers to endorse plural marriage (Irenaeus, *Against Heresies*, Book I, 28:2). The Church called them blasphemers, more for their religious beliefs than for their marriage beliefs. Concubinage was actually practised long after Christianity was declared the official religion of the realm. Indeed, even as late as the Roman chambers of 1052 and 1063, laymen who had a wife and a mistress in the interval were barred from fellowship, implying that minor concubinage was tolerated. It was also recognised by a number of early considerate codes ("Concubinage," *Encyclopedia Britannica*, 1911).

### **2.4. Pre-Islamic Arabia**

There were no restrictions on the number of wives in pre-Islamic Arab society. There were no imposed restrictions or conditions. In pre-Islamic Arabia, the children separated the wives of the deceased father from other acquired property and used them as spouses. As women were owned by men, they were subjected to cold-bloodedness and betrayal. Polygamy is strictly prohibited by Islam. Polygamy was not a part of Islam's teachings. Polygamy was prevalent in every country in the east. Polygamy has been practiced among Hindus since antiquity. It was also present among the Babylonians, Assyrians, and Persians in antiquity. The number of spouses a man might have was not restricted. Men kept mistresses throughout Greece and Rome, despite the fact that they were not polygamous.

Various polygamous and polyandrous marriage rituals were practiced throughout the pre-Islamic Arab period. Prior to the arrival of Muhammad PBUH (571 A.D.), the lady stayed with her tribe, allowing the man to visit or live with her, and the children to integrate with the mother clan. It was common for men to marry women without hindrance, which ended with the revelation of the Quran. Following the rise of Islam, women's status improved. Women are treated with respect and dignity in Islam, and they have a respected place in society and around the world. Due to the women's advantage, Islam allows for limited polygamy. Polygamy and marriage are taboo topics in Islam.

### **2.5. Islamic era**

Polygamy is not encouraged in Islam, nor is it forbidden. It only permits it if it is essential. Mates are encouraged to admire the validity of one another in Islam. It defines a set of requirements for it. A man who is considering marrying more than one woman can do so only if he is determined to treat his wives equally in terms of treatment, equity, dress, providing their requirements, and other matters, and if he needs a second marriage. It is not permitted otherwise. If he does not follow these rules, he will have committed haram (a prohibited act) and will have violated the rights of others.

During the Age of Ignorance, Islam put a stop to men's boundless relational alliances. After Allah sent down verses in response to the Messenger of Allah's request, those who had more than four wives were required to separate them. Islam teaches acceptable bargaining among

wives in the areas of food, drink, clothing, lodging, intercourse, and adoration. In the Quran, Allah permits the marriage of more than one lady in cases where there is a risk of unworthiness. As a result, we can confidently state that marrying more than one lady is not appropriate unless it is required. We see that treating the majority of spouses as is bordering on inexplicable, at the very least extremely difficult, and that not every guy can do it. On the other hand, a guy who believes that a second marriage is required can marry in the presence of witnesses without having to inform his relatives (Tafseer, Elmah Interpretation).

The Quran is the final book revealed to the Prophet Muhammad (S.A.W) peace be upon him. This is the last book and the whole life code. We must consider the Quran and Sunnah to determine women's status and position. Allah teaches the concept of equality in the Quran. The Quran has all accurate and long-lasting answers to women's difficulties. Several verses guarantee women's rights, as the Quran dispels prevalent misunderstandings about women and elevates them to a respected place in society. Allah has revealed the steps that women must follow in order to ensure their safety and respect in society. These policies favour women and attempt to anticipate their needs.

### **3. Pakistani Laws on Polygamy**

Personal status was still governed by Muslim family law regulations implemented in British India in 1947. There was no established law in Pakistan regarding polygamy after the division. There were no legal barriers to men marrying for the second, third, or fourth time. Obviously, there must be a violation of rights when there is no legal restriction. The Muslim Family Law, including nikah and divorce, was left unaffected by the British. As a result, the judiciary was tasked with resolving the issues that occurred. Divorce was permitted in the confused manner that described male-dominated Muslim society, and nikah evidence was obtained from unreliable sources.

#### **3.1. Muslim Family Law Ordinance (MFLO) in 1961**

General Ayub Khan took control in 1961 and passed the MFLO. The new law did not criminalise polygamy, but it did need the agreement of the first wife, established the age of marriage at 18, and provided circumstances under which males, not only women, might seek divorce. Polygamy has been legalised in Pakistan regardless of the fact that few explanations of the Holy Quran allow aimed at interpretation. Despite the passage of time, no further attempts to prohibit polygamy have been attempted. The Muslim Family Laws Ordinance of 1961 incorporated some of the sanctions of the Marital and Family Laws Commission Report, with the goal of changing partition law and inheritance law relating to stranded grandchildren, offering important marriage utilisation, placing weaknesses on polygamy demonstration, besides changing the law concerning to dower and support in the marital and division, as well as updating existing institutions with regard to marriage age. A man cannot marry a second time while his first marriage is still going strong, according to the Muslim family law legislation of 1961, unless he has acquired prior authorisation from the mediation board (Cairncross, 1974).

In the National Assembly, a motion condemning the MFLO was introduced. However, it was not carried. The Ulema were perplexed by the Ordinance, believing it to be anti-Islamic. It was never brought up for genuine establishment in parliament, but it was kept as a reimburse law

by the chosen Parliament of 1970 during the Ayub administration, as the Zina Ordinance during the Zia period, and as repaid by the 1985 parliament (Campbell, 1869).

### **3.1.1. Polygamy reforms as per MFLO 1961**

The Constitution was once again suspended after the military took power in 1999. The Muslim Family Law Ordinance also introduced a few minor changes to the polygamy law, such as requiring the spouse to file an application to the local Union Council in order to acquire prior written approval for polygamous marriage. The application must explain why the wedding is being suggested and show that the candidate has gotten his or her present wife or spouse's approval. The Union Council's executive organises a Mediation Committee with deputies from the current spouse or spouses and the candidate with the purpose of determining the need for the proposed marriage (Chapman, 2001).

Any polygamous marriage entered into without the approval of the Union Council cannot be enrolled under the MFLO (Dane, 1996). As a result, some observers consider procurements that require the permission of the Arbitration Council to be a minor convention. Polygamy is constrained by the obligation of applying to the local Union Council for authorisation and warning of existing wives/wives; spouses who enter into polygamous marriages in violation of legal systems are sufficient justification for the first wife to be notified of dissolution (Durant & Durant, 1967).

### **3.1.2. Section 6 of MFLO 1961 its deficiencies and outcome**

The Ordinance's Section 6 of MFLO1961 states that no man may contract a second marriage while his first marriage is still alive unless the arbitration council has already granted approval in writing. It also makes it illegal to register a second marriage that was not contracted with such approval. The prohibition does not appear to be unqualified (Stephanie, 2003). The chairman of the arbitration council may hear a husband's application detailing the causes for the anticipated another wedding and whether the present spouse's agreement has been attained. The head of the arbitration council forms and settlement committee with himself and one representative from each spouse. If the court determines that the proposed marriage is necessary, it may give consent subject to any conditions it considers suitable. The council must, of course, maintain track of the reasons for its decision, which are subject to change (Gher, 2008). A person who violates the procedure and marries without the arbitration council's permission is subject to the following penalties: (a) payment of the entire amount of dower, whether immediate or deferred; and (b) simple imprisonment for up to one year or a fine of up to Rs. 5,000/-, or both, if convicted upon complaint. Only the arbitration council in the area where the existing wife resides has the power to approve a second marriage. The husband's union council permission is ineffective (1971 P.Cr.L J148; PLD 1987; Lahore, 316; Gher, 2008; PLD 2000, FSC1).

The Ordinance further states that any man who enters into a second or third relational marriage without the approval of the Arbitration Council may be held accountable for the full sum or share owing to the present wife or wives, whether granted or not (Hassouneh-Phillips, 2001). A man who fails to get authorisation may be condemned to at least one year in prison or a fine of up to Rs 5,000, or both, if he does not obtain it. "Since this segment has not explicitly proclaimed the ensuing marriage as unlawful and has only recommended a method to be

followed for the resulting relational unions and discipline for their non-recognition, it is found that the soul of this segment is reformative just as it has endorsed a remedial measure for counteracting unfairness to the current wife or wives," the FSC ruled in its segment six judgment (Hassouneh-Phillips, 2001).

Polygamy is not outlawed in general under Muslim family law, although it is tolerated in certain circumstances. Even if he has other wives or spouses living with him, a man can take a second wife if he obtains prior written authorisation from the mediation committee, stating the reason for doing so as well as whether he has obtained the consent of his existing wife or wives. Prior approval is essential, and failure to do so will result in criminal charges being brought against the spouse (1989 ILJ 92).

In this approach, the mandate only punishes the individual for marrying in violation of the statute's provisions by requiring him to serve time in prison or pay a fine, or both, but it does not refute the marriage itself (Lahore, PLD1971). Regardless, it is a crime with special civil consequences for the current wife or wives, depending on the situation (1992 MLD 93). According to section 6(5) of the Muslim Family Law, 1961, "a good man who enters into a second marriage without his wife's consent or after a mediation assembly may be charged." Because she would be a hurt person in a circumstance where her spouse contracts two relational unions, there is no origin for the charge of a second wife who can record complain under section (6) of the Act. Second wives, witnesses, and nikah khawan can all be summoned as witnesses rather than as accusers in the best-case scenario. With the exception of the person charged, the criminal protest was repressed (2004 YLR 2242). He was blamed for admitting during his trial that he had entered into a second marriage without the permission of the Arbitration Committee. His expansion would necessitate his conviction (2011 YLR 1595).

A Muslim might marry four wives under Sharia law, but there were some limitations, such as treating all wives equally and treating them fairly. Furthermore, unless the previous wife consented, the legislation in the area made it illegal to marry again (2012 MLD 1576).

### **3.2. Council of Islamic Ideology role in context to Polygamy practice in Pakistan**

On the question of marriage, Pakistan's CII, the advisory body that determines whether the country's laws are Islamic, says: Maulana Mohammad Khan Sheerani, Chairman of the Council of Islamic Ideology, has stated that a Muslim wife has no right to object to her husband's second or subsequent marriages. In another board meeting, he stated that if a woman's spouse had married more than once, such as a second, third, or fourth time, she could not receive a divorce (Hillman, 1975). He maintained that while Islam had given women the freedom to be separated from their husbands, another marriage could not be a legitimate justification. "We need the authorities to evacuate this territory," Maulana Sheerani said. "In the event that he has more than one wife, does not treat her fairly as the Holy Quran commands," says Clause (F) of Section (2) of the Act. The head of the Islamic ideology board later told the media that the law should be modified. The lady may seek separation if she is treated unfairly or severely, he said. This was the fourth CII meeting on marriage legislation this year (Kippenberger, 1997)."

"We requested the administration to change the significant laws where a man needs to seek prior consent from the existing wife/wives," the CII chief said. We asked the administration to modify the important legislation requiring a man to get prior approval from his existing

wife/wives, as Sharia allows men to have more than one wife. After the meeting, Maulana Sheerani, a JUI-F MNA, told the media that the CII had asked the administration to amend the marriage rules, and that Sharia had clearly established a man's purchase of up to four relational unions, which was simple and easy to follow (Klesse, 2006). The CII's administrators haven't looked at what role the chamber has played so far in Pakistan's legislative process. Is there any public trust in the Council as a whole? Is it true that religious groups have ever placed such a reliance on the Council's goodwill? Also, has the legislature ever taken into account the Council's decisions/decisions? No is the single answer to each of these questions (Nussbaum, 1997).

Activists from the civil society have asked for the Council of Islamic Ideology (CII) to be disbanded in order to avoid disagreements over religious topics. They question the CII's claim that "underage marriage (Nikah) is not prohibited in Islam." "Both against polygamy and early marriage, we have example Islamic and proved contentions and evidence to firmly back our argument," they demanded of CII Chairman Maulana Muhammad Khan Sheerani be removed (Nussbaum, 1999). Because an incident of the Women's Action Forum is still pending in the Shari at the Supreme Court's re-appraising seat, the CII purposefully used an incendiary language that is a mockery of the court "According to a statement released by common society organizations. Dr. Farzana Bari, a human rights lobbyist, claimed the CII was consistently a dubious organization that delivered ludicrous declarations. According to her, "We live in the current day, and we must adjust; accordingly, nevertheless, the body, unfortunately, has an outdated worldview that shows up in its attitude. Because we already have a constitution, the CII is unnecessary and should be repealed. Bemoaned the fact that a particular school of thought was "misinterpreting" Islam (Express Tribune, 2014).

"As a result, the FSC determined that a Muslim man is unquestionably permitted to have more than one wife at any given time, up to a maximum of four, but the same ayat (Verse) that grants this permission also supports a state of "Adl" (quality), and the magnificent Quran has laid complement in the same." Verse emphasizing the gravity and difficulty of the situation, which Allah states is impossible to rectify (Pickthall).

Sheerani, an ecclesiastic, has also served as an MNA for JUI (F). He has called for the abolition of marriage rules based on his own beliefs, which are incompatible with Sharia's requirements He suggested repealing Clause (f) of Section 2 of the Muslim Divorce Act 1939, which permits a woman to seek partition "if he has more than one wife and does not respect her impartially according to the principles of the Holy Quran." He confirmed that a subsequent marriage is not a reason to report detachment and that a woman should be allowed to "segment," just as "Sharia permits men to have more than one wife" and he requested that the organization change the laws. It allows a woman to seek divorce "if he has more than one wife and does not respect her equally according to the Holy Quran's precepts." He confirmed that a subsequent marriage is not a reason to report detachment and that a woman should be allowed to "segment," just as "Sharia permits men to have more than one wife, "and he asked the organisation to change the laws that require a man to seek prior approval from his ebb and flow wife/wives" enquiring a man to seek prior approval from his ebb and flow wife/wives" (Rehman, 2007).

The benefits and drawbacks of polygamy are discussed in Section 6 of the statute. The husband must obtain approval from an out-of-area government, such as a union council, and monitor and administer the polygamous marriage, as stated in Rule 14 of the MFLO laws; a polygamous

marriage must be “honest and simple.” The inability of the current wife to have children, her fear, her obstacles, her inability to engage in sexual intercourse, or, on the other hand, her refusal to live with her friend after a claim for the restoration of conjugal rights was filed against her (Rehman, 2007) could all be factors. A strong division of the entire Maher (yielded or induce) as a result of the current wife/wives and control of up to one year and/or fine is imposed under section 6(5) of the MFLO for failure to conform to the suitable framework. As a result, these procedural safeguards are in place to prevent the flagrant misuse of the benefit of polygamy, which is permitted by Islam but only under exceptional circumstances, rather than as a norm. the Sharia is a dynamic, ever-changing, and man-made system, it should be underlined.

Various nations have changed Sharia norms to meet the demands and necessities of the present day, and when the Quran itself allows Ijma and Ijtihad, how can any other clarification than the one demanded by the Holy Quran be properly damaged? In our religion, Ijtihad on these issues is amazingly enabled, depending on the dates, quality, and utility of the situations. It should be recognized that Sharia is a living, breathing organism (Robeyns, 2003). Various nations have changed Sharia regulations to meet the wants and necessities of the present day, and how can anyone ruin any other clarification than the one desired by the Holy Quran, when the Quran itself provides Ijma and Ijtihad? In our religion, Ijtihad on these issues is amazingly enabled, depending on the dates, quality, and utility of the situations. "Won't they then reflect on the Quran?" you might wonder (Sura an-Nisa, Verse 82).

In several Muslim countries, polygamy is prohibited including Tunisia, Lebanon, Turkey, Tajikistan, Uzbekistan, and the Kyrgyz Republic. There are countries, such as Indonesia, Malaysia, Singapore, the Philippines, Bangladesh, and Pakistan, where official authorization is restricted and incapacity to take over is punished. As a result, the advice given by Maulana Sahab appear to be obsolete at this time, even within the Muslim community itself. In any case, there appears to be substantial opposition to forbidding polygamy, but it must be directed solely at preventing the exploitation of this procurement, which is only available as an exception (Strasser, 2008).

Despite the fact that it has been more than five decades since MFLO was announced, it remains subject to debate and certain quarters are opposed to it. Supporters of these legislations believe that CII has been used for political purposes in the blink of an eye, and that the former government's organization of its administrator was based on political motives, rendering the current CII understandings inappropriate.

Polygamy is being revived in Pakistan today as the marriage articulation of the true Islamic culture that Pakistan has yearned to embrace. It is viewed as a clarification of the problems of poor women, adultery, a man's more obvious need for intercourse, and a variety of other issues. Unwanted first wives and neglected children have no legal means of support or sustenance (Scheidel, 2006).

#### **4. Conclusion**

According to Pakistani law, a man can have numerous wives, but only with his first wife's agreement. Polygamy is discouraged by Pakistani and Islamic laws, which impose limits on the practice; yet, the practice of contracting many marriages remains widespread, particularly

within the country's socioeconomic orders. The questions posed in the opening chapter are addressed in this study.

Polygamy had negative implications for spouses, but it also had negative consequences for children, particularly those born as a result of such partnerships, according to the findings of a case study as the number of spouses and children increased, there were fewer possessions and less respect or relationship to go about. When the father had more than 10 children from two or more marriages, the children would often forget who they were and would ask them whose mother they belonged to when they went to ask for pocket money or school fees. The children's bond with their moms was also threatened, as they saw their mothers as powerless and unable to gain sufficient attention from their fathers. Simply put, because their mother was the only parent they knew and spoke with on a regular basis, they frequently blamed her for their father's lack of interest in them.

Children were also hurt by the fact that, due to a lack of legal demands, many fathers neglected to provide maintenance or support to mothers, forcing mothers to rely on sewing, teaching, and other forms of support to bear their children. For people who are not particularly concerned with women's welfare, the disagreements, greed, control, and conflict that become a part of the lives of children think of polygamous social unions may serve as a strong justification against their exercise. According to polygamy readings, perfect equality is impractical for imperfect people, and anything based on it is, in fact, both dangerous and risky for everyone. Polygamous social unions invariably result in a separation between the couple since polygamy allows for the resolution of several conflicts.

Polygamy has a monetary as well as an emotional impact on women. According to the analysis of the instances, many men from both lower and middle socioeconomic groups marry second spouses in order to contribute financially to their polygamous households. Women contribute to the Muslim wife's maintenance responsibility, which polygamous spouses are less likely to fulfil. Bigamy is frequently associated with sexual assaults on women and children, as well as familial lust. Rape, statutory assault, and the inability to pay child support are all things that have happened to me.

## **5. Recommendations**

The findings show that there are numerous flaws in MFLO 1961's section 6 on polygamy. Although section 6 of MFLO emphasizes polygamy measures, these amendments do not adequately protect women's rights. The following suggested adjustments should be added into section 6 of the MFLO in order to defend women's rights.

- Under MFL, the wife must grant her husband approval for a second marriage, but she cannot stop him from doing so. If a spouse is entitled to maintenance and dower, she must also be entitled to prohibit her husband from remarrying. An amendment to the law must be passed in order for the wife to seek court assistance in this circumstance.
- If the husband does not pay the first wife's maintenance after the second marriage, the union council must issue a certificate to the first wife detailing her monthly maintenance, and the husband must pay it. The validity of the foundation is not addressed under Muslim family law, which is in serious need of revision. Section six of Muslim family law laws needs to be updated to reflect the equality and dignity of

spouses who have been harmed by polygamy. These fundamental rights are unaffected by the Muslim family law regulation. For the protection of these rights, compensation is required.

- The law court ability to intervene in polygamy cases is inadequate. Even if, under section six of the Muslim family law act, the union council's interference raises. Similarly, through the revisions to the legislation, the courts' interference should be broad.
- The right to inheritance, which is harmed by polygamy, must be safeguarded. The right of inheritance is infringed in the majority of polygamous couples. This issue is not addressed in any way in the Muslim family. On a legal basis, an equal partition of assets between spouses should be prepared.
- The MFLO is likewise silent on the issue of polygamy-related unkindness and violence. This is another important issue for which the MFLO has not been amended.
- In the vast majority of cases, the man marries for the second time without his first wife's consent, and he also fails to properly register the nikah with the union council, effectively concealing the marriage from his family and society. It should be considered a deception, and the spouse should face legal consequences.
- If none of these civil rights are protected by law giving, polygamy need to be repelled as a fundamental infringement of those rights.

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